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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,703	06/18/2001	Craig Carroll	SCP 00.01	1038

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EXAMINER	
NGUYEN, TAI T	

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 03/24/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/883,703	CARROLL, CRAIG	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *06 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,8-14,16,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5, 8-14, 16, 19-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 5, 8-14, 16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky et al. (US 6,211,790) in view of Wolk et al. (US 4,853,692) and Vercellotti et al. (US 5,317,309).

Regarding claim 1, Radomsky et al. disclose infant and parent matching and security system including all subject matters as follows:

a plurality of transmitters (30, 32), each transmitter being configured to transmit only a unique signal (34, 36) containing a unique identification code (as shown in Figure 2; col. 6, lines 6-23); and

a plurality of receivers (20, 21), each receiver being configured to receive only one signal (34, 36) and establish a comparison indication based on comparison of the identification code with a reference code (as shown in Figure 2; col. 6, lines 5-39).

Radomski et al. disclose the instant claimed invention except for: each of the transmitters and receivers being configured with a unique identification code that matches each receiver with

only one transmitter and the receiver comprises programmable memory for storing the unique reference code and the receiver includes a user interface configured to program the memory.

Wolk et al. disclose an infant security/identification system (figure 1) comprising: a plurality of transmitters (7A-7Z, figure 1), each of which being configured to transmit a signal comprising a unique identification code corresponding only to the transmitter (col. 5, lines 21-35); and a plurality of receivers (13A-13Z, figure 1), each receiver being configured to receive the one signal whereby to establish a comparison indication based on comparison of unique identification code with a unique reference code (col. 6,lines 22-34). It would have been obvious to a person having ordinary skill in the art at the time invention was made to have each of the transmitters and the receivers of Radomski et al. have a separate unique identification code, as suggested by Wolk et al., for the purpose of preventing misidentification of the infant.

Vercellotti et al. teach a dual mode electronic identification system including a tag (4) having a RF transmitter and receiver, wherein the tag (4) is responding to an interrogation signal by transmitting identification data to the interrogator (see abstract), wherein the tag (4) comprises a programmable memory (15) for storing the identification code and a user interface (25) configured to program the memory (see figure 2; col. 4, lines 30-48). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the memory and the memory interface as taught by Vercellotti et al. into the system as disclose by Radomsky et al., as modified, for the purpose of enhancing identification code upon user for security purpose.

Regarding claim 2, Radomsky et al. disclose that the comparison indication is positive on indicator (38) if the unique identification code matches said reference code (col. 7, lines 3-23).

Regarding claim 3, Radomsky et al. disclose that the comparison indication is negative on indicator (38) if the unique identification code does not match said reference code (col. 7, lines 3-23).

Regarding claim 5, Radomsky et al. disclose each of the receiver further including a controller (server, 24) configured to communicate with an indicator (38) based on the comparison of the identification code with the reference code stored in the memory (col. 6, lines 54-67 and col. 7, lines 1-23).

Regarding claims 8-9, Radomsky et al. disclose the instant claimed invention except for: the receiver being mounted to a specific fixed structure. Since Radomsky et al. disclose the receiver(s) can be located within various locations (col. 5, lines 28-41). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to locate the receiver on a fixed structure/wall for the purpose of ensuring correct positioning of the receiver(s).

Regarding claim 10, Radomsky et al. disclose the instant claimed invention except for: the reference code being the same as the identification code. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the reference code be the same as the identification code for the purpose of ensuring proper matching.

Regarding claim 11, refer to claim 1 above.

Regarding claim 12, Radomsky et al. disclose the transmitter being coupled to an identification band (104) being coupled the associated infant (116, as shown in Figure 4).

Regarding claim 13, refer to claim 2 above.

Regarding claim 14, refer to claim 3 above.

Regarding claim 16, refer to claim 5 above.

Regarding claims 19-20, refer to claims 8-9 above.

Response to Arguments

3. Applicant's arguments filed October 06, 2003 have been fully considered but they are not persuasive.

Applicant's claims 1 and 11 both required that each transmitter is configured to transmit only a single unique signal comprising an ID code corresponding to that transmitter. The references cited by the examiner do not teach this feature. Examiner does not agree. Wolk et al. disclose the RF signal generating device having first and second distinct code representing a tamper signal (a) and a maintenance signal (m), col. 5, lines 35-41, and a receiver being tuned to receive the specific coded signal transmitted, col 6, lines 22-30.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached at (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

March 8, 2004
Tai T. Nguyen
Examiner
Art Unit 2632

DANIEL J. WU
PRIMARY EXAMINER
3/22/04